

APPEAL NO. 020335
FILED MARCH 6, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 11, 2002. The hearing officer determined that the appellant's (claimant) compensable injury did not include an injury to the low back. The claimant appeals this determination on evidentiary sufficiency grounds. The respondent (carrier) replies, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determination and conclude that the issue presented fact questions for the hearing officer to resolve. The hearing officer reviewed the record and decided what facts were established. The burden was on the claimant to prove that his compensable injury included an injury to the low back. The hearing officer determined that the claimant did not sustain his burden of showing that he injured his low back in the course and scope of his employment, or that the surgery for the compensable injury caused the harm to his low back. The hearing officer is the sole judge of the weight and credibility that is to be given to the evidence. Section 410.165(a). We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge